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The situation in the Middle East

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Sixty-first year

Identical letters dated 6 February 2006 from the Chargé d'affaires a.i. of the Permanent Mission of Lebanon to the United Nations addressed to the Secretary-General and the President of the Security Council

On instructions from my Government, I transmit to you herewith a detailed statistical table showing the number of Israeli violations of Lebanese sovereignty which occurred during January 2006, i.e., a total of 61 violations (see annex).

These violations are in contravention of the relevant Security Council resolutions, the latest of which is resolution 1655 (2006), and go against the Secretary-General's repeated calls for their cessation, most recently in his report of 18 January 2006 (S/2006/26). Lebanon counts on the United Nations to compel Israel to desist from those violations, which constitute a threat to international peace and security, and holds Israel responsible for any consequences to which those acts may give rise.

I should be grateful if you would have this letter and its annex circulated as a document of the General Assembly, under agenda item 14, and of the Security Council.

(*Signed*) Caroline **Ziadeh**
Chargé d'affaires a.i.

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Annex to the identical letters dated 6 February 2006 from the Chargé d'affaires a.i. of the Permanent Mission of Lebanon to the United Nations addressed to the Secretary-General and the President of the Security Council

Statistical table showing Israeli violations of Lebanese sovereignty during January 2006

Air violations				*Sea violations*	*Land violations*			*Total violations*
					Military acts of aggression	*Field violations*	*Breaches*	
Military jet	Reconnaissance	Helicopter	Total	Crossing of territorial waters, artillery fire and shooting of flares and firebombs over territorial waters	Air raids, artillery shelling, shelling of military positions and important posts, attacks on and killing of civilians	Gunfire, launching of firebombs, dropping of artillery missiles, infiltration and crossing of international borders	Threats and displaying of weapons, bulldozing of soil, placing of barbed wire and setting up of installations inside Lebanese territory	
13	17	7	37	10	-	11	3	61

The sole new element in the newly submitted Turkish proposals is the set of the remaining four points of the "action plan", which are described as "procedural steps for the implementation". These points are particularly troubling, in that Turkey invites the Secretary-General to adopt, endorse and promote the Turkish proposals through the convening of a "high-level meeting with the participation of Turkey, Greece, the Turkish Cypriot side and the Greek Cypriot side", the outcome of which would be subsequently endorsed by the Security Council. In fact, these proposals are an obvious effort by Turkey to involve the United Nations Secretary-General and the Security Council on its side in an issue which concerns the European Union. Turkey attempts to subdue its legal obligations towards the EU for the accomplishment of its unchanging objectives in Cyprus, that is the promotion of a separate Turkish Cypriot entity in the occupied area of Cyprus, hiding its true intentions under the guise of the so-called ending of the isolation of the Turkish Cypriots. We believe that the United Nations has no role in this issue since the Secretary-General is mandated by the Security Council with a mission of good offices for finding a Cyprus settlement through negotiations between the two communities on the island. The United Nations should not be drawn into an issue involving Turkey's responsibilities towards the EU.

The idea of a quadripartite meeting, a long-term objective of Turkish foreign policy, cannot be accepted. It aims to equate the status of the Republic of Cyprus with that of the Turkish Cypriot community, either by downgrading the status of the Republic of Cyprus or by upgrading the status of the secessionist entity, possibly short of political recognition, as full separate statehood status, at this stage, would deprive the Turkish Cypriots of benefits deriving from the accession of Cyprus to the EU.

In addition, Turkey attempts to render legitimacy to the secessionist entity by granting to it governmental functions such as the control of ports and airports, in contravention to Security Council resolutions, in particular resolutions 541 (1983) and 550 (1984) and relevant international conventions. Under international law, every State in exercising its sovereignty has the indisputable right to determine which of its ports and airports are open and functioning, as well as to define the terms of operation and access for these ports and airports. In exercising its sovereignty, the Republic of Cyprus has declared closed to international traffic its ports in Kyrenia, Famagusta and Karavostasi and has not designated any airports in the occupied areas of Cyprus as open and functioning since 1974. The Government of the Republic of Cyprus has undertaken specific legal obligations towards the international community and the EU, which it must fulfil at all times, especially on the safety of shipping, customs, transboundary international crime, security, illegal immigration, narcotic drugs trafficking and terrorism.

It should be noted that what is erroneously described by the Turkish side as "isolation" of the Turkish Cypriots is, in fact, nothing more than the consequence of the illegal Turkish military occupation of northern Cyprus and the purported declaration of an "independent state". It is a self-inflicted wound of their policy of pursuing status rather than pursuing settlement. The Government of Cyprus is fully committed to, and working towards, the economic development of the Turkish Cypriot community, but it should be stressed again that the pursuit of this objective cannot be at the expense or in the form of erosion of Security Council resolutions (in particular resolutions 541 (1983) and 550 (1984)). It should be achieved in full respect of legality and though measures that do not infringe upon the sovereign

rights of the Republic of Cyprus or assist in any way the secessionist aims of Turkey and the Turkish Cypriot leadership.

The reference to "special arrangements for the practical inclusion of North Cyprus, as an economic entity, into the European Union's custom union" (fifth point of the action plan in the Turkish proposals) is particularly enlightening as to the true Turkish intentions, since it insinuates that there exists in the occupied area of Cyprus a separate entity, which is not part of the territory of the Republic of Cyprus. It should be recalled in this regard that under the Cyprus accession treaty the entirety of the territory of the Republic of Cyprus is part of the European Union but the application of the *acquis communautaire* is temporarily suspended in the area north of the ceasefire line (known as the Green Line) due to the Turkish occupation and the ensuing impossibility for the Government of Cyprus to exercise effective control in that area.

The European Union and its member States have repeatedly stressed that they "expect from (Turkey) full, not discriminatory implementation of the Additional Protocol and the removal of all obstacles to the free movement of goods, including restriction of means of transport". Mr. Oli Rehn, member of the European Commission responsible for enlargement, during the meeting of the EU-Turkey joint Parliamentary Committee in Brussels, on 23 November 2005, stated the following: "By opening accession negotiations, the EU kept its word and respected its commitment. Now we expect Turkey to honour its commitments; to begin with, as mentioned in the Accession Partnership, Turkey must ensure the implementation of commitments undertaken under the Association Agreement, including the customs union. This applies, in particular, to the crucial issue of the ratification and full implementation of the Additional Protocol to the Ankara Agreement, including lifting the restrictions on Cypriot vessels docking at Turkish ports".

The Government of Cyprus has consistently been promoting specific and concrete measures aiming at building confidence between the two communities in Cyprus and advancing the economic development of the Turkish Cypriots. This is an ongoing process pursued in a way that is consistent and in compliance with international norms and EU and Cyprus domestic law.

Furthermore, since April 2004, the Government of the Republic of Cyprus gave its agreement and asked for the immediate adoption of the EU financial regulation in support of the Turkish Cypriot community, amounting to €259 million. Unfortunately, a series of efforts, with the active support of the Republic of Cyprus, to make progress on this issue failed on two occasions in 2005, due to the intransigence of the Turkish side.

The Cyprus Government remains committed to the full implementation of the "Green Line" regulation, which allows trade of products within the island and exports of Turkish Cypriot products through the legal ports and airports of the Republic of Cyprus. We urge the Turkish side to lift the obstacles it has created for two-way trade between the two communities.

The Government of Cyprus has shown its good will with the proposal of President Papadopoulos, in August 2004, concerning Varosha. Moreover, we have accepted the compromise proposed by the EU Luxembourg Presidency last June and reiterated our support to the understanding reached with the Commission last December, involving the opening of the Famagusta port, under EU auspices, the